

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)

Request for Review)

Center Area School District
Monaca, Pennsylvania)

File No. SLD-327601

Schools and Libraries Universal Service
Support Mechanism)

CC Docket No. 02-6

ORDER

Adopted: December 15, 2004

Released: December 15, 2004

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Center Area School District, Monaca, Pennsylvania (Center Area).¹ Center Area seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) denying Center Area's Funding Year 2002 application for discounted services under the schools and libraries universal service mechanism on the grounds that Center Area violated the Commission's competitive bidding requirements.² For the reasons set forth below, we deny Center Area's Request for Review.

2. On January 15, 2002, Center Area submitted its FCC Form 471 to SLD for Funding Year 2002.³ The signature page of the Form 471 was dated January 10, 2001, one year prior to the allowable contract date set forth on the cited FCC Form 470.⁴ During the application review process, SLD confirmed that the cited FCC Form 470 was the establishing Form 470 for the services listed on the Center Area Form 471.⁵ Subsequently, SLD denied Center Area's request for funding because the

¹ Letter from Scott A. Antoline, Center Area School District, to Federal Communications Commission, filed April 4, 2003 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. 54.719(c).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Edward T. Elder, Center Area School District, dated February 6, 2003 (Administrative Decision on Appeal).

³ FCC Form 471, Center Area School District, filed January 15, 2002 (Center Area Form 471).

⁴ See Center Area Form 471; FCC Form 470, Center Area School District, posted December 17, 2001. In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, an FCC Form 470 requesting services. See 47 C.F.R. § 54.504(b); Description of Services Requested and Certification Form (FCC Form 470), OMB 3060-0806 (September 1999) (Form 470 Instructions) at 2-3. The applicant must wait 28 days before entering into an agreement with a service provider for the requested services and submitting an FCC Form 471 requesting support for the services ordered by the applicant. *Id.*; 47 C.F.R. § 54.504(c). In the instant case, the allowable contract date was January 14, 2002.

⁵ See Administrative Decision on Appeal.

signature date on Center Area's Form 471 preceded the allowable contract date on the establishing Form 470 in contravention of the Commission's competitive bidding rules.⁶

3. In the instant Request for Review, Center Area admits to inserting the incorrect signature date on its Form 471, but argues that information was available in the application that would have identified the mistake.⁷ Center Area admits that inspection of the Form 471 reveals that "January 10, 2001" was the signature date provided on the Form and that this signature date does not fall within the contract period and pre-dates the filing of the establishing Form 470.⁸ Center Area argues, however, that the signature date of "January 10, 2001" was not a violation of the allowable contract period, but an obvious mistake.⁹ Center Area further argues that it did not contact or negotiate with any vendors prior to the allowable contract date of January 14, 2002, and that it followed all of the rules for application submission.¹⁰ As proof of these contentions, Center Area submits notarized affidavits from the Superintendent and Assistant Superintendent of the Center Area School District.¹¹ Center Area also provides a copy of the Federal Express receipt showing that the Center Area Form 471 was mailed on January 15, 2002.¹²

4. After reviewing the record, we affirm SLD's denial of Center Area's request for funding and deny the Request for Review. A signature date on an FCC Form 471 or on a service provider agreement that predates the expiration of the 28-day posting period indicates that the applicant failed to wait 28 days before entering into an agreement with a service provider and therefore violated the Commission's competitive bidding rules.¹³ The Wireline Competition Bureau (Bureau) has consistently denied requests for review by applicants that have violated the Commission's competitive bidding rules by signing the FCC Form 471 or service provider agreement before the allowable contract date.¹⁴ The

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Christopher Rishak, Center Area School District, dated July 16, 2002 (Funding Commitment Decision Letter).

⁷ Request for Review at 2.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ 47 C.F.R. §§ 54.504(b), 54.511; Form 471 Instructions. *See also Request for Review by Minor High School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-139210, CC Docket Nos. 96- 45 and 97-21, Order, 15 FCC Rcd 13790, 13792 (Com Car. Bur. 2000).

¹⁴ *See, e.g., Request for Review by Currituck County Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-111040, CC Docket Nos. 96- 45 and 97-21, Order, 15 FCC Rcd 5564 (2000); *Request for Review by Gustine Independent School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-108651, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 8489 (Com. Car. Bur. 1999).

Bureau has also concluded that it is administratively necessary to require applicants to be responsible for providing complete and accurate information on their FCC Form 471 applications.¹⁵

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Center Area School District, on April 4, 2003, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Vickie S. Robinson
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

¹⁵ 47 C.F.R. § 54.504 *et seq.*; see also *Request for Review by South Barber Unified School District 255, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-158897, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 18435 (Com. Car. Bur. 2001).